United Nations A/65/804–S/2011/220

General Assembly
Security Council

Distr.: General
5 April 2011

Original: English

General Assembly
Sixty-fifth session
Agenda item 34
Protracted conflicts in the GUAM area and their implications for international peace, security and development

Security Council
Sixty-sixth year

Identical letters dated 4 April 2011 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit the statement of the Ministry of Foreign Affairs of Georgia regarding the decision of the International Court of Justice (see annex).

I should be grateful if the text of the present letter and its annex would be circulated as a document of the General Assembly, under agenda item 34, and of the Security Council.

(*Signed*) Alexander **Lomaia**
Ambassador
Permanent Representative

11-28991 (E) 060411

Please recycle

Annex to the identical letters dated 4 April 2011 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

Statement issued on 1 April 2011 by the Ministry of Foreign Affairs of Georgia regarding the decision of the International Court of Justice

On 1 April 2011, the International Court of Justice rendered its Judgment on the preliminary objections raised by Russia in the case between Georgia and Russia on the application of the International Convention on the Elimination of All Forms of Racial Discrimination.

Pursuant to its Judgment, the Court found that it lacked the jurisdiction to proceed to a consideration of the merits of the case, as necessary requirements such as negotiations had not been exhausted by the States.

The Court took into consideration and upheld the main argument of Georgia and declared that the Russian Federation was a party to the dispute between Russia and Georgia which had arisen as a result of 2008 Russo-Georgian war. This decision dismisses long-standing arguments of Russia that there was no dispute between Russia and Georgia.

The Court found that with regard to the August 2008 war, a dispute between Georgia and Russia about the latter's compliance with its obligation under the 1965 International Convention on the Elimination of All Forms of Racial Discrimination did exist, which, inter alia, includes issues of ethnic cleansing and racial discrimination.

From the standpoint of international law, this Judgment supports the position of Georgia that it is engaged in a dispute with the Russian Federation on the issues arising out of the 1965 Convention.